



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE AGENDA

DATE/TIME: Monday, December 20, 2010, 7:00 PM

**LOCATION: Police Department Auditorium
870 Santa Barbara Drive**

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Committee's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Committee. The Committee may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

1. Call to Order
2. Roll Call
3. Minutes of September 20, 2010 (attachment 1)
4. Review of EQAC Responsibilities – Resolution 2008-34 (attachment 2)
5. Economic Development Committee Briefing
6. Coastal/Bay Water Quality Committee Briefing
7. Staff briefing on Current Projects
 - a. Smoking ban
 - b. Leaf blower restrictions
 - c. Banning Ranch EIR schedule
8. Public Comments
9. Future Agenda Items
10. Adjournment - Next Meeting Date: **January 24, 2011**

*Attachments can be found on the City's website <http://www.newportbeachca.gov>. Once there, click on **Agendas and Minutes** then scroll to and click on **Environmental Quality Affairs**. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2nd Floor.

Any writings or documents provided to a majority of the Environmental Quality Affairs Committee regarding any item on this agenda will be made available for public inspection in the Planning Department located at 3300 Newport Blvd., Newport Beach, CA 92663 during normal business hours.



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DRAFT MINUTES September 20, 2010

The Environmental Quality Affairs Committee held at the City of Newport Beach Police Department Auditorium, 870 Santa Barbara Drive, on **Monday, September 20, 2010**.

Members Present:

X	Nancy Gardner, Council Member	E	Laura Meier
X	Michael Henn, Council Member	E	Jay Myers
X	Arlene Greer, Chair	X	Kevin Nolen
X	Michael Alti	X	Joan Penfil
X	Bruce Asper	X	Ed Reno
X	Laura Curran	X	Nick Roussos
X	Kathy Harrison	X	Debra Stevens
E	Sandra Haskell	X	Timothy Stoaks
X	Kimberly Jameson	X	Barbara Thibault
E	Kevin Kelly	X	Merritt Van Sant
X	Vincent Lepore		
X	Charles McKenna		

Staff Representatives:

Guests:

X	James Campbell, Principal Planner	
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Chairperson Greer called the meeting to order at 7:07PM

1. Minutes of August 16, 2010

Motion to approve the draft minutes as presented by staff passed unanimously.

2. Smoking Regulations

A general discussion took place regarding the proposed ban drafted by staff based upon direction received from the Committee at the August meeting. A question was raised as to whether the proposed smoking ban would apply to public gathering spaces such as the public plaza, parking areas, sidewalks or alleys near the Newport Pier. The answer is no. Enforcement methods were discussed and it was suggested that graphics be used with signs to increase their effectiveness. The Committee discussed the possibility of expanding the ban to apply to outdoor dining areas at restaurants. The Committee discussed the possibility of establishing benchmarks and

goals to measure the effectiveness of a ban. Benchmarks and goals would be difficult to establish and would be subjective.

A ***motion*** was made by Committee Member McKenna, seconded by Committee Member Thibault to recommend the following: The City Council should consider a ban on smoking that would encompass all municipal parks.

Motion carried with 10 ayes and 4 noes.

A ***motion*** was made by Committee Member Curran, seconded by Committee Member Thibault to recommend the following: The City Council should consider a ban on smoking in any area designated as open space or nature preserves where public access is provided whether by trails, sidewalks, bike paths, driveways or roadways. Smoking would be banned on the access way and parking areas in addition to open space areas. Examples include upper Buck Gully, the mouth of Big Canyon and the Upper Newport Bay Nature Preserve and Ecological Reserve.

Motion carried with 10 ayes and 4 noes.

A ***motion*** was made by Committee Member Reno, seconded by Committee Member Penfil to recommend the following: The City Council should consider identifying pre-ban benchmarks and establish future goals to measure the success of the proposed ban on smoking.

Motion failed 3 ayes and 11 noes.

3. Economic Development Committee Representative's Report

Chairperson Greer provided reported on the Economic Development Committee (EDC) meeting held on September 15, 2010. The EDC identified a potential new member to fill a vacancy and forwarded that name to the Council for consideration. An ECD subcommittee was formed to look at business licenses and the success of the CDM Classic Car Show and the Newport Beach Film Festival were discussed.

4. Coastal/Bay Water Quality Committee Representatives' Report

Council Member Gardner reported on the Coastal/Bay Water Quality Committee's future review the Banning Ranch EIR. The Committee will be forwarding their comments to the Environmental Quality Affairs Committee for their consideration, incorporation and/or use.

5. Report from Staff on Current Projects

Staff reported that the EIR for the Banning Ranch project is still being prepared and has not been completed. The need for EQAC review is not expected until November and staff will provide an update at future meetings. Staff reported on the reorganization of the Code and Water Quality Enforcement Division that is no longer part of the City Manager's Office. The three Code Enforcement officers are now a division of the

Planning Department and the Water Quality and Water Conservation staff is now a part of the Public Works Department. Staff reported on the pending Zoning Code Update process. The Zoning Code Update is a complete re-write of the code and implements the 2006 General Plan Update. There has been extensive public participation guided by the General Plan/Local Coastal Program Implementation Committee and 5 public meetings with the Planning Commission. The City Council considered residential regulations at a study session on September 14, 2010. The first of several public hearings before the City Council is scheduled on October 12, 2010. If you have further questions, please contact the Planning Department at 949-644-3201.

6. Public Comments

Philip Bettencourt invited committee members to tour the Banning Ranch site in anticipation of the EIR review scheduled to occur in the coming months.

A member of the public indicated that a proposed statewide ban on plastic shopping bags failed in the State Legislature and that several area cities were considering adopting their own bans.

7. Future Agenda Items

The Committee discussed and there was a general consensus to place a discussion item on a future agenda (possibly November) of a possible city ban on plastic shopping bags.

A ***motion*** was made by Committee Member Penfil, seconded by Committee Member Thibault to place on a future agenda, a discussion item to consider a ban on smoking in outdoor dining areas of restaurants.

Motion failed 3 ayes and 11 noes.

8. Adjournment

Chairperson Greer adjourned the meeting at 8:38PM to the next regularly scheduled meeting of October 18, 2010.

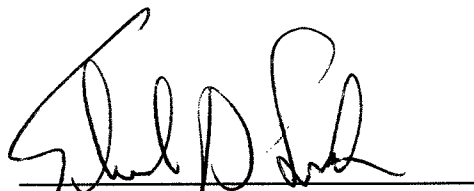
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT
BEACH AMENDING RESOLUTION NO. 2004-39 REGARDING MISSION AND
PURPOSE AND RESPONSIBILITIES OF THE ENVIRONMENTAL QUALITY
AFFAIRS COMMITTEE**

WHEREAS, the City Council has established the Environmental Quality Affairs Committee (EQAC) with provisions including membership, attendance, purpose and responsibilities; and

WHEREAS, the City Council wishes to add a mission statement for EQAC, and to clarify and broaden its purpose and responsibilities;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newport Beach does hereby amend Attachment A to Resolution No. 2004-39 to read as Exhibit A to this Resolution, attached hereto and by reference made a part hereof.

ADOPTED this 13th day of May 2008.


MAYOR

ATTEST:

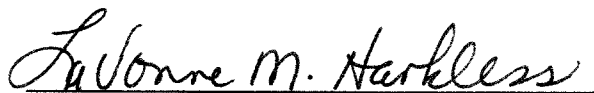

CITY CLERK



EXHIBIT A

ENVIRONMENTAL QUALITY AFFAIRS CITIZENS ADVISORY COMMITTEE

AUTHORIZATION: The Environmental Quality Affairs Citizens Advisory Committee (Committee) established by Resolution No. 87-14, adopted on January 12, 1987; amended by Resolution No. 88-105, adopted October 24, 1988 and blanket Resolution No. 90-123. Committee restructured by adoption of Resolution No. 98-17, adopted on February 23, 1998 (repeals all other resolutions). Membership revised by adoption of Resolution No. 98-60 on August 24, 1998 (amends Res. 98-17). Appointment of officers clarified by adoption of Resolution No. 2000-10 on January 25, 2000. Membership, Rules, and Purpose and Responsibilities revised by adoption of Resolution No. 2000-90 on October 24, 2000. Membership revised by adoption of Resolution No. 2001-61 on July 10, 2001. Revised by adoption of Resolution No. 2001-73 on August 14, 2001. Membership provisions amended by adoption of Resolution No. 2003-18 on March 25, 2003. Membership, Rules, and Purpose and Responsibilities amended by adoption of Resolution 2004-39 on May 25, 2004.

- MEMBERSHIP:**
- A. Two (2) Council Members.
 - B. The Chair (or Chair's designee) of the Economic Development Committee.
 - C. Chairperson of Committee shall be a citizen (at large) appointed by the Mayor.
 - D. Seven (7) members, one from each City Council district, nominated by the District Council Member and confirmed by the City Council. If a Council Member chooses, he/she may appoint a person who does not reside in his/her District. If a Council Member does not fill a vacancy within sixty (60) days from the date of the vacancy, the Committee may recommend candidates for the City Council's consideration. Candidates recommended by the Committee need not reside in the

District in which there is a vacancy.

E. Seven (7) citizens at large, one nominated by each City Council Member and confirmed by the City Council. At the request of a Council Member, or if a Council Member does not fill a vacancy within sixty (60) days, the Committee may recommend candidates for the City Council's consideration.

F. Four (4) members who are active in homeowners or community associations or any other civic or community groups, appointed by the City Council from recommendations from the Committee.

G. Three (3) members who have knowledge of CEQA administration or environmental issues of concern to Newport Beach (e.g., water quality, airport noise, traffic), appointed by the City Council from recommendations from the Committee.

Staff: Assistant City Manager or Designee

TERM:

District and at-large members shall have terms that coincide with the terms of the Council Members nominating them. Association and special expertise members shall have terms of four (4) years, and may serve no more than two (2) consecutive terms. All members shall serve at the pleasure of the City Council.

RULES:

A. All members, other than Council Members shall have one (1) vote on the committee.

B. The officers of said Committee shall be comprised of a Chairperson and Vice-chairperson. The Chairperson shall be appointed by the Mayor and the Vice-chairperson shall be elected by the Committee.

C. A quorum shall consist of a majority of the currently appointed members of the Committee, not counting the Council Members.

D. If a member is absent from three (3) meetings during a twelve month period without an excused absence, this fact shall be reported to the Mayor, and the Mayor shall

send that member a letter regarding his/her attendance and continued service on the Committee.

Reports and recommendations from the Committee shall be made to staff, the Planning Commission or the City Council. Committee comments on projects by other agencies shall be distributed to such agencies only after the comments are approved by the City Council, or the City Manager if City Council approval is not practicable.

F. Any publications of the Committee shall require authorization from the City Council.

G. Any letter written by a member of the Committee that represents the position of the Committee, or stating any recommendation made, or action taken by the Committee, shall be authorized by the Committee during a duly noticed public meeting. In the event the Committee has, at a duly noticed public meeting, delegated the responsibility for any task to a Subcommittee, the Subcommittee may authorize one or more of its members to perform that task and subject to the Rules applicable to the Committee, prepare and submit comments and/or state the position of the Committee.

H. The Committee, or a Subcommittee designated by the Committee, shall interview each candidate or prospective member before recommending that candidate to the City Council.

MISSION:

To protect and enhance the environmental quality of the City for the health and enjoyment of residents and visitors.

**PURPOSE &
RESPONSIBILITIES:**

A. To review and submit comments during the public review period upon publication of the Notice of Preparation (NOP) and/or the Notice of Completion (NOC) with respect to any Environmental Impact Report (EIR) prepared by the City.

B. If requested by the City Council or the City Manager, to review and, subject to the approval of the City Council or City Manager, submit, on behalf of the City, comments on any environmental document prepared by another public agency for a Project that has the potential to cause significant adverse environmental impacts in the City of Newport Beach. C. The Committee may review and submit comments on any negative declaration prepared by the City for any project that is not subject to the review and/or approval of any other Board, Commission or Committee without first receiving a request from the City Council or City Manager.

C. To receive or request concurrence from the City Council or City Manager to review and submit comments on any negative declaration prepared by the City for any project .D. To advise the City Council on policies, programs and projects that improve or detract from the environmental quality of the city.

E. To promote education and awareness on positive environmental practices.

F. To request that the City Manager schedule presentations from City staff relative to activities with the potential to impact the environment and quality of life issues.

G. To request that the City Manager and/or City Council schedule a presentation from members of the Committee to the City Council relative to any action of the Committee or any activity that the Committee has determined could have a significant effect on Newport Beach.

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, LaVonne M. Harkless, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2008-34 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 13th day of May 2008, and that the same was so passed and adopted by the following vote, to wit:

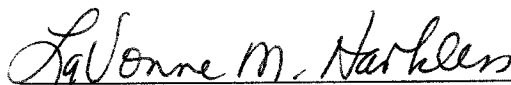
Ayes: Henn, Rosansky, Daigle, Curry, Gardner, Mayor Selich

Noes: None

Absent: Webb

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14th day of May 2008.



City Clerk
Newport Beach, California

(Seal)

